



Docket No.: C1104-7061.20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alfred D. Ducharme, et al.  
Serial No: 10/705,643  
Confirmation. No.: 4766  
Filed: November 11, 2003  
For: SYSTEMS AND METHODS FOR GENERATING AND  
MODULATING ILLUMINATION CONDITIONS  
Examiner: Not Yet Assigned  
Art Unit: 2875

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 7<sup>th</sup> day of May, 2004.

  
Denise M. Donahue

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

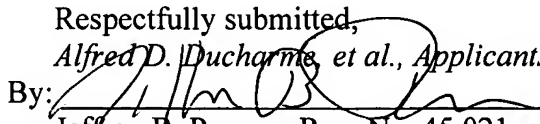
Sir:

Transmitted herewith are the following documents:

- ☒ Preliminary Amendment
- ☒ Supplemental Request for Interference
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 395-7000.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 50/2762. A duplicate of this sheet is enclosed.

Respectfully submitted,  
*Alfred D. Ducharme, et al., Applicants*  
By:   
Jeffrey B. Powers, Reg. No. 45,021  
LOWRIE, LANDO & ANASTASI, LLP  
Riverfront Office Park  
One Main Street  
Cambridge, MA 02142  
(617) 395-7000

Date: May 7, 2004



Attorney's Docket No.: C1104-7061.20

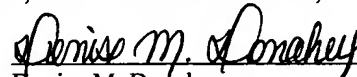
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alfred D. Ducharme, et al.  
Serial No.: 10/705,643  
Confirm. No.: 4766  
Filed: November 11, 2003  
For: SYSTEMS AND METHODS FOR GENERATING AND  
MODULATING ILLUMINATION CONDITIONS  
Examiner: Not yet assigned  
Art Unit: 2875

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 7<sup>th</sup> day of May, 2004.

  
Denise M. Donahue

---

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL REQUEST FOR INTERFERENCE**  
**PURSUANT TO 37 C.F.R. 1.607**

Sir/Madam:

In a Request for Interference Pursuant to 37 C.F.R. 1.604, filed November 4, 2003, the Applicants requested that an interference be declared between the present application and pending U.S. Non-provisional Application Serial No. 10/118,828, filed April 9, 2002, entitled "Lighting Fixture for Producing a Beam of Light Having a Controlled Luminous Flux Spectrum," naming inventor David W. Cunningham (hereinafter referred to as "the '828 application"). The '828 application has matured into U.S. Patent No. 6,683,423, issued January 27, 2004 (hereinafter referred to as "the '423 patent"). Accordingly, Applicants make the present supplemental request that an interference, pursuant to 37 C.F.R. 1.607, be declared between the present application and the '423 patent.

Claims 1-43 of the present application, as amended in the enclosed preliminary amendment, are identical to claims 1-43, respectively, of the '423 patent, as issued January 27, 2004, except for claim 18 where an apparent typo in the '423 patent has occurred. Accordingly, in claim 18 of the present application, the Applicants have replaced the word "tan," as appears in the '423 patent, with the word "than." A copy of the '423 patent is attached for the Examiner's reference.

Applicants hereby suggest the following proposed counts for the interference, amended to correspond to the issued claims in the '423 patent:

Count 1:

A lighting apparatus for producing a beam of light having a luminous flux spectrum emulating that of a beam of light produced by a predetermined light source having an incandescent lamp, the apparatus being suitable for use as a part of a lighting fixture and comprising:

a plurality of groups of light-emitting devices, each such group configured to emit light having a distinct luminous flux spectrum; and

a controller configurable to supply selected amounts of electrical power to the plurality of groups of light-emitting devices, such that the groups cooperate to produce a composite beam of light having a prescribed luminous flux spectrum that approximates the luminous flux spectrum of a beam of light produced by the predetermined light source having the incandescent lamp.

Count 2:

A lighting apparatus for producing a beam of light having a prescribed luminous flux spectrum, the apparatus being suitable for use as a part of a lighting fixture lighting fixture and comprising:

a plurality of groups of light-emitting devices, each such group configured to emit light having a distinct luminous flux spectrum; and

a controller configurable to supply selected amounts of electrical power to the plurality of groups of light-emitting devices, such that the groups cooperate to produce a composite beam of light having a prescribed luminous flux spectrum.

Each of the above counts is believed to define a separate patentable invention. Count 1 is supported in the present specification at least on page 6, lines 6-13; page 9, lines 3-25; and page 28, lines 15-30, as well as in several other portions of the specification. Count 2 is supported at least on page 14, line 3 through page 15, line 25, as well as in several other portions of the specification.

Independent claim 1 of the present application, as well as claim 1 of the '423 patent, correspond substantially to count 1, which is a phantom count with respect to these claims. As with Count 1, support for claim 1 can be found at least on page 6, lines 6-13; page 9, lines 3-25; and page 28, lines 15-30, as well as in several other portions of the specification.

Independent claims 15, 28, 36 and 41 of the present application, as well as claims 15, 28, 36 and 41 of the '828 application, correspond substantially to count 2, which is a phantom count with respect to these claims.

Support for independent claim 15 may be found at least on page 9, line 30 through page 10, line 4, as well as in other portions of the specification.

Support for independent claim 28 may be found at least on page 19, line 10 through page 20, line 2 and page 28, lines 25-27, as well as in other portions of the specification.


Support for independent claims 36 and 41 may be found at least on page 34, line 18 through page 36, line 5, as well as in other portions of the specification.

The Applicants respectfully believe an interference should be declared because questions of patentability and priority of invention between two or more parties claiming the same patentable invention need to be resolved.

The Examiner is encouraged to contact the undersigned at the number listed below if any questions arise in connection with this request for interference.

Respectfully submitted,

*Alfred A. Ducharme, et al., Applicants*

By:   
Jeffrey B. Powers, Reg. No. 45,021  
LOWRIE, LANDO & ANASTASI, LLP  
One Main Street  
Cambridge, Massachusetts 02142  
United States of America  
Telephone: 617-395-7000  
Facsimile: 617-395-7070

Attorney Docket No.: C1104-7061.20

Date: May 7, 2004